

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Laura Eggerman, Esq. (LE-2000)	CASE NO.: 16-32726 CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Mark Smith, Debtor. Pamjoi Smith aka Joy Smith aka Joyce Smith, Joint Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

DITECH FINANCIAL LLC ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Modified Chapter 13 Plan (DE # 46), and states as follows:

1. Debtor, Mark Smith, {and Joint Debtor, Pamjoi Smith aka Joy Smith aka Joyce Smith, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on November 30, 2016.
2. Secured Creditor holds a security interest in the Debtor's real property located at 114 S ARLINGTON AVE, EAST ORANGE, NJ 07018-3017, by virtue of a Mortgage recorded on September 15, 2005 at Instrument Number 5135829 of the Public Records of Union County, NJ. Said Mortgage secures a Note in the amount of \$208,000.00.
3. The Debtor filed a Chapter 13 Plan on July 18, 2017.
4. The Plan fails to include arrears payments toward the Note and Mortgage with Secured Creditor. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$3,946.83. Therefore, the Plan is not in compliance

with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$3,946.83 as the pre-petition arrearage over the life of the plan.

5. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). The plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC
Attorney for Secured Creditor
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Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Laura Eggerman
Laura Eggerman, Esquire
NJ Bar Number LE-2000
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CERTIFICATION OF SERVICE

1. I, Laura Egerman, represent DITECH FINANCIAL LLC in this matter.
2. On 9/25/2017, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

9/25/2017

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Laura Egerman
Laura Egerman, Esquire
NJ Bar Number LE-2000
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Bruce W. Radowitz 636 Chestnut Street Union, NJ 07083	Attorney for Debtors	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)